



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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00/003,208 01/12/93 KOHN

12M2/0223
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GARDEN CITY, NY 11530

EXAMINER
CRIAES, T

ART UNIT PAPER NUMBER
9

1205
DATE MAILED:

02/23/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 11/23/94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-36 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-36 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1835 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

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The papers filed, November 23, 1994 have been received and entered into the file.

Applicant's election with traverse of the compound 5, described in Table II on Page 203 of the specification in Paper No. 8 is acknowledged. The traversal is on the ground(s) that there is reasons presented by the Examiner why the inventions are separate and distinct. This is not found persuasive because the Examiner has shown that there is an undue burden on the Patent Office since the compounds are classified in separate classes and subclasses.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-36 are rejected under 35 U.S.C. § 112, first paragraph, as the disclosure is enabling only for claims limited to claims directed to the elected compound which appears allowable. See M.P.E.P. §§ 706.03(n) and

706.03(z). *Applicant is requested to submit a claim commensurate in scope with the elected invention*

Applicant have not established that one of ordinary skill in the art, having before him/her the present specification and claims, could use the

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present claimed active agent in such a manner as to accomplish, with a reasonable degree of certainty and expectation of success, the results urged by applicants of treating CNS disorders in mammal. The applicants' specification, as filed, provides no adequate basis for concluding that such results can or would be expected to be accomplished by the skilled artisan. The specification contains no objective evidence which would established that applicant's claimed method accomplishes the recited results.

Two-dimensional structural organic formulas are a very poor means of representing the physical, chemical or biologic properties of a molecule. Structural formulas merely depict the way the various atoms are strung together to form a molecule. (Remington's at page 425, column 1, lines 1-5).

The rejection of claims 1-36 under 35 USC 112, first paragraph is deemed proper.

None of the claims are allowed.

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A facsimile center has been established in Group 1200, room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machine is (703) 308-4556 or 305-3592.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Criares whose telephone number is (703) 308-4607.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.



CRIARES:nmb
February 15, 1995